

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

SEAN PHILIP SCHUYLER,

Plaintiff,

vs.

ANDREW M. SAUL, Acting
Commissioner of Social Security;

Defendants.

CIV. NO. 17-00277 LEK-RT

ORDER REMANDING CASE TO THE ADMINISTRATIVE LAW JUDGE

On September 21, 2018, this Court filed its Order Granting Plaintiff's Appeal and Reversing the Administrative Law Judge's October 15, 2015 Decision, and the Judgment in a Civil Case ("Judgment") was issued. [Dkt. nos. 21, 22.] After the Commissioner's post-judgment motion was denied, [dkt. nos. 23 (motion), 29 (order denying motion),] the Commissioner filed a Notice of Appeal, [dkt. no. 30].¹

On July 24, 2020, the Ninth Circuit issued a memorandum disposition, affirming the Judgment in part and reversing it in part. [Dkt. no. 36.] The Ninth Circuit affirmed this Court's rulings that that the Administrative Law Judge ("ALJ") erred in rejecting Plaintiff Sean Philip

¹ During the proceedings before this Court, Nancy A. Berryhill was the Acting Commissioner of Social Security. Andrew M. Saul is now the Commissioner of Social Security.

Schuyler's ("Plaintiff") testimony without stating sufficient reasons, and that the ALJ's error was not harmless. [Id. at 2-3.] However, the Ninth Circuit reversed this Court's rulings that the ALJ failed to provide germane reasons to reject lay evidence, and that the record supported remand to the ALJ for the determination and award of benefits. [Id. at 3-4.] The Ninth Circuit remanded the case to this Court, with instructions "to remand to the ALJ so the ALJ may resolve th[e] factual dispute [regarding whether Plaintiff could perform regular work] and reconsider its residual functional capacity finding in light of [Plaintiff]'s testimony that he needs one day off per week." [Id. at 4.]

There being no further issues for this Court to decide, the case is HEREBY REMANDED to the ALJ to conduct further proceedings consistent with the Ninth Circuit's memorandum disposition. The Clerk's Office is DIRECTED to effectuate the remand on **October 21, 2020**, unless a timely motion for reconsideration of this Order is filed.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, October 6, 2020.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

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